

**Statement of
Mark Lambrecht
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National Conservation Lands and Community Partnerships
Bureau of Land Management
U.S. Department of the Interior**

**Natural Resources Committee
Subcommittee on National Parks, Forests, and Public Lands**

**H.R. 2522, Cerro de la Olla Wilderness Establishment Act
June 23, 2022**

Thank you for the opportunity to testify on H.R. 2522, the Cerro de la Olla Wilderness Establishment Act. The bill designates approximately 13,000 acres within the Río Grande del Norte National Monument in New Mexico as the Cerro de la Olla Wilderness.

On January 27, 2021, President Biden signed Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, which launched a government-wide effort to confront climate change and restore balance on public lands and waters. The President's directive recognizes the opportunities America's lands and waters offer and outlines a historic and ambitious challenge to the nation to conserve at least 30 percent of our lands and waters by 2030. The President's America the Beautiful initiative specifically emphasizes the value of conserving the nation's natural resources, recognizing multiple uses of our lands and waters, including its working lands, can be consistent with the long-term health and sustainability of natural systems. H.R. 2522 aligns with the Administration's conservation goals and the Bureau of Land Management (BLM) supports the bill.

Background

The Río Grande del Norte National Monument lies north of Taos on the border with Colorado, and straddles New Mexico's Taos and Rio Arriba Counties. The area is comprised of rugged, wide-open plains at an average elevation of 7,000 feet, dotted by volcanic cones and cut by steep canyons with rivers tucked away in their depths. The Cerro de la Olla volcanic cone provides a visible reminder of the area's volatile past, while wildlife species – including deer, elk, and pronghorn antelope – bring both hunters and wildlife watchers to the area. These lands benefit the public by providing recreational opportunities, such as whitewater rafting, fishing, hiking, and camping. Further, the land supports grazing and traditional collection of firewood and piñon nuts.

H.R. 2522

H.R. 2522 would designate approximately 13,000 acres of land administered by the BLM as the Cerro de la Olla Wilderness within the Rio Grande del Norte National Monument. Wilderness designation would afford these lands the highest level of protection while continuing to provide recreational opportunities as well as allow for certain traditional uses. The BLM appreciates the efforts of the sponsor to support community access for firewood collection and grazing by excluding certain lands from the proposed wilderness designation. The BLM would like to continue working with the sponsor to ensure the local community can responsibly continue traditional uses of these public lands.

Additionally, the proposed designation overlaps a significant portion of the reserve common grazing allotment the BLM has set aside for the temporary use of permittees displaced due to wildfire, vegetation treatment, drought and other issues. Grazing can be a compatible use within wilderness and there is a history of legislation incorporating guidance for accommodating grazing within wilderness designations, such as the Congressional Grazing Guidelines (outlined in H. Rept. 96-1126 and H. Rept. 101-405). The BLM recommends the addition of language addressing the unique circumstances of the reserve common grazing allotment.

The Administration supports collaborative conservation in all land use planning efforts, including monuments, and BLM looks forward to working with the local community and stakeholders as the Committee considers the bill's boundary modifications to the Monument.

Conclusion

Wilderness is a key component of conservation. The Biden Administration recognizes wilderness is a fundamentally important part of the American landscape, not only for practical and scientific values, but also for the beauty, majesty, and solitude it provides. For example, wilderness generates significant economic benefits to local communities by providing recreational opportunities while simultaneously supporting ecosystem health and biodiversity. The BLM supports H.R. 2522, and we would welcome the opportunity to work with the sponsor and the Subcommittee on minor modifications.

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**House Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands
H.R. 5355, Desert Community Lands Act
June 23, 2022**

Thank you for the opportunity to testify on H.R. 5355, the Desert Community Lands Act. The bill proposes to convey to the Town of Apple Valley and Cities of Twentynine Palms, Barstow, and Victorville in California approximately 8,000 acres of public lands managed by the Bureau of Land Management (BLM). The BLM has concerns with a number of the conveyances proposed in the bill, and we cannot support it as written.

Background

Since President Biden issued E.O. 14008, *Tackling the Climate Crisis at Home and Abroad*, the Administration has launched an all-of-government effort to conserve our lands and waters, improve equitable access to recreation, and pursue locally led efforts to conserve, connect, and restore the lands and waters upon which we all depend. Conserving and restoring the nation's lands and waters can yield immense economic benefits. Outdoor recreation contributes an estimated \$460 billion to the nation's economy, with mayors and local leaders across the nation recognizing parks, trails, and open spaces as indispensable infrastructure for livable and prosperous communities. Additionally, Section 207 of the EO sets ambitious renewable energy goals that will ensure America and the world can meet the urgent demands of the climate crisis, while empowering American workers and businesses to lead a clean energy revolution. The EO further directs the Secretary to review siting and permitting processes on public lands and in offshore waters to identify ways we can increase renewable energy production.

In 1976, the passage of the Federal Land Policy and Management Act (FLPMA) gave BLM its mission to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. Under FLPMA, the BLM retains management of most public lands; however, Section 203 of FLPMA also authorizes the sale of certain public lands when the sales are in the public interest and consistent with approved BLM land use plans. Public lands may be identified as potentially suitable for disposal through the BLM's land use planning process and generally require site-specific analysis and appraisal prior to disposal. Additionally, FLPMA requires payment of fair market value as determined by appraisal of the lands and interests transferred out of Federal ownership.

The BLM regularly transfers public land to local governments and nonprofits for a variety of public purposes. These transfers are typically accomplished under the provisions of the Recreation and Public Purposes (R&PP) Act or through specific Acts of Congress. The R&PP Act is a statute frequently used by the BLM to help States, local communities, and nonprofit organizations obtain lands – at no or low cost – for important public purposes such as parks, schools, hospitals and other health facilities, fire and law enforcement facilities, courthouses, social services facilities, and

public works. Because these public purpose lands are conveyed at far below market value, R&PP Act conveyances and many similar legislated conveyances include a reversionary clause requiring that lands be used for the intended public purposes or revert to the Federal government.

San Bernardino County, located in southern California, is home to over 2 million people and holds important recreational, renewable energy, and conservation values. The county is over 12 million acres, of which eight million acres are public lands within the California Desert Conservation Area (CDCA) that are identified for special management in FLPMA. Section 601 of FLPMA recognized the unique location of the CDCA, which is adjacent to the major metropolitan areas of Los Angeles and San Diego, home to more than 20 million residents. This location has always meant that the management of the CDCA must consider the public's desire for recreational activities, public access, renewable energy, rights-of-way, conservation, and other important uses. The land use plan for the CDCA was last amended as part of the Desert Renewable Energy Conservation Plan (DRECP) in 2016.

H.R. 5355

H.R. 5355 conveys to the Town of Apple Valley and Cities of Twentynine Palms, Barstow, and Victorville in California approximately 8,000 acres of BLM-managed public lands.

Apple Valley Off-Highway Vehicle (OHV) Recreation Area Conveyance (Section 2)

Section 2 of H.R. 5355 directs the Secretary of the Interior (Secretary) to convey approximately 4,600 surface acres managed by the BLM to the Town of Apple Valley, at no cost, to establish a centralized OHV recreation park, subject to valid existing rights. The area is located south of the BLM's Stoddard Valley OHV area and is a popular destination for recreation activities. The mineral estate would not be included as part of the conveyance. Section 2 also requires the Secretary's approval if the city seeks to dispose of the conveyed lands, but the section does not specifically provide the United States a clear reversionary interest if the lands are no longer used for recreation-related public purposes. The Secretary would be responsible for any administrative costs associated with the conveyance (e.g., cultural and cadastral surveys).

Analysis

As a matter of policy, the BLM supports working with local governments to resolve land tenure issues that advance worthwhile public policy objectives. However, the BLM cannot support the conveyance to Apple Valley as outlined in section 2, because the lands are within several special management units designated under the DRECP. Further, the lands are not identified as potentially suitable for disposal in the land use plan.

Included among approximately 4,000 of the acres to be conveyed in section 2 is the center portion of the Northern Lucerne Wildlife Linkage Area of Critical Environmental Concern (ACEC). This ACEC connects the Ord-Rodman ACEC to the east with the Mojave Monkey Flower ACEC and Bendire's Thrasher ACEC to the west. The Northern Lucerne Wildlife Linkage ACEC was designated as important habitat and contains migration corridors for bighorn sheep, golden eagles, desert tortoise, prairie falcons, and several other BLM sensitive wildlife species. Additionally, numerous rare and sensitive plants have major populations in the ACEC, making it regionally significant. These areas are important for enhancing habitat connectivity and linking natural landscapes, which are important adaptation strategies for conserving biodiversity and supporting ecological function during climate change. The DRECP established a goal for this area to protect its biological values while providing for compatible public uses, including camping and OHV use

on designated roads and trails.

The remaining 600 acres are identified as potentially suitable for disposal in the land use plan, but they are specifically identified as a Development Focus Area (DFA) for renewable energy development, not recreational use. Under the DRECP, prior to any disposal of DFA acres, the BLM must determine that a new owner would facilitate renewable energy or would not preclude such development. The BLM also notes there are more than 50 mining claims on the public lands proposed for conveyance. Additionally, the bill allows the lands to be conveyed to Apple Valley at no cost and to potentially be used for commercial services and other revenue generation without providing a fair return to the American taxpayer. Finally, the BLM believes as a general policy matter that all administrative costs related to the conveyance, including surveys, cultural reviews, and related legal clearances should be borne by the benefiting entity, not by the Federal government, as provided under the bill.

City Conveyances (Sections 3, 4, & 5)

Sections 3, 4, and 5 of H.R. 5355 direct the Secretary to convey approximately 3,600 surface acres managed by the BLM to the Cities of Twentynine Palms, Barstow, and Victorville, respectively. Each of these conveyances would be at no cost, subject to valid existing rights, not include the mineral estate, and occur no later than one year after the bill's enactment. Of the approximately 3,600 surface acres, approximately 2,800 acres are identified through the BLM's land use planning process as potentially suitable for disposal under specific conditions. The remaining acres were not identified as potentially suitable for disposal.

Analysis

Section 3 would convey approximately 80 acres of public land located north of Joshua Tree National Park to the City of Twentynine Palms. The BLM notes these lands are not identified as available for disposal under the DRECP and there appears to be a road running through the land that may be an unrecorded encumbrance. Section 4 would convey approximately 300 acres of public land to the City of Barstow. Roughly 290 acres of this proposed conveyance are within the Stoddard/Johnson Special Recreation Management Area (SRMA). While this area has no mining claims, it contains at least five rights-of-way, including a water reservoir, a natural gas pipeline, a highway, and a railroad. Under the DRECP, this area is available for disposal to parties that will manage the lands in accordance with its recreational values. The Stoddard/Johnson SRMA is extremely popular and intensively used since it is along the outer edge of Barstow and other adjacent communities. There is a diverse range of recreational opportunities in the SRMA, including OHV use, rock climbing, camping, and hiking. The BLM does not object to this transfer as long as it is consistent with the DRECP's specific conditions for disposal. Additionally, we would recommend transferring these lands to the city for recreational purposes consistent with the R&PP Act and including a reversionary clause. The remaining 10 acres to be conveyed to Barstow under the bill are designated as General Public Lands and are unavailable for disposal under the DRECP.

Section 5 of the bill would convey approximately 3,200 acres of public land to the City of Victorville. Roughly 2,500 acres of the proposed conveyance to Victorville are within an administratively designated DFA. Under the DRECP, these DFAs encompass specific lands with high quality renewable energy resources (wind, solar, and geothermal) where energy generation and storage projects may be proposed for development. The BLM notes that encouraging renewable energy development in these DFAs is an integral part of the DRECP strategy to promote

renewable energy production on certain public lands, while conserving unique and valuable desert ecosystems and providing outdoor recreation opportunities. Through incentivizing the use of DFAs, the BLM can unlock new renewable energy opportunities and meet the national goal established by Congress in the Energy Act of 2020 to site at least 25 gigawatts of renewable energy on public lands by 2025. The BLM also notes the 700 acres outside of the DFA are designated as General Public Lands under the DRECP and are unavailable for disposal.

Under the DRECP, these acres are available for disposal if the BLM determines that the new owner would facilitate renewable energy development or would not preclude such development. The BLM also does not object to this transfer as long as it is consistent with the DRECP's specific conditions for disposal of a DFA through the inclusion of a condition in the patent and a reversionary clause. Additionally, the BLM notes that the public land proposed for conveyance to Victorville has one mineral materials permit and more than 16 active rights-of-way, including power transmission lines, a railroad, a landfill, water quality monitoring wells, and an aquifer restoration system used by the U.S. Army Corps of Engineers and the U.S. Air Force.

As discussed above, and as with other land conveyance proposals, we recommend the bill include language to ensure payment of fair market value for any of the parcels to be conveyed. The BLM also believes the cities of Twentynine Palms, Barstow, and Victorville should be responsible for administrative costs associated with the transfers. Finally, we recommend amending the bill to ensure sufficient time is provided to fully process the conveyances, including completion of appropriate reviews and clearances in accordance with the National Environmental Policy Act and any required plan amendment, along with cadastral surveys and appraisals to determine fair market value.

Conclusion

Thank you for the opportunity to testify on H.R. 5355.

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**House Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands**

**H.R. 6240, Regarding the Reversionary Interest in University of Utah Research Park
June 23, 2022**

Thank you for inviting the Department of the Interior (Department) to testify on H.R. 6240, Regarding the Reversionary Interest in the University of Utah Research Park. The bill provides for the conveyance of the Federal government's reversionary interest in a 593-acre parcel of land known as Research Park located in Salt Lake City, Utah.

Background

The BLM regularly transfers public land to local governments and nonprofits for a variety of public purposes. These transfers are typically accomplished under the provisions of the Recreation and Public Purposes (R&PP) Act or through direction supplied through specific Acts of Congress. The R&PP Act is a statute frequently used by the BLM to help States, local communities, and nonprofit organizations obtain lands – at no or low cost – for important public purposes such as parks, schools, hospitals and other health facilities, fire and law enforcement facilities, courthouses, social services facilities, and public works.

Since these public purpose lands are conveyed at far below market value, R&PP Act conveyances and many similar legislated conveyances include a reversionary clause requiring that lands be used for public purposes or revert to the Federal government. Over the years, the BLM has consistently required the payment of fair market value for the reversionary interest, in accordance with FLPMA requirements for disposal of lands or interests in land.

In the 1930s, the U.S. Department of the Army decommissioned Fort Douglas near Salt Lake City, Utah, and transferred ownership of this property to the Department of the Interior (Department). On October 18, 1968, the BLM issued to the University a R&PP patent, numbered 43-99-0012, “for purposes of academic expansion of the University of Utah, in Salt Lake City Utah, for an arboretum, and for highway and utility rights-of-way to serve those purposes.” Today, the lands identified in H.R. 6240 – commonly referred to as “Research Park” – contain a complex of technology, education, and medical buildings, among other uses. Over the years, the University has approached the BLM to request additional uses on the property, which in some cases were for uses not allowed under the R&PP Act.

H.R. 6240, Regarding the Reversionary Interest in University of Utah Research Park

H.R. 6240, Regarding the Reversionary Interest in the University of Utah Research Park, would release, without consideration, the Federal government's reversionary interest in a 593-acre parcel conveyed by patent to the University of Utah (University) under the Recreation and Public Purposes (R&PP) Act.

FLPMA, which is the authority under which BLM generally disposes of public land or interests without limit, requires receipt of fair market value for public lands or interests transferred out of public ownership. This serves to ensure that taxpayers are fairly compensated for the conveyance of public lands or interests out of Federal ownership. The BLM supports the bill's goal of conveying the reversionary interest in this parcel to the University. As with previous such proposals, we recommend amending H.R. 6240 to ensure the payment of fair market value for the reversionary interest. However, the Department recognizes that there may be circumstances, as determined by Congress, in which the public benefits of a proposed transfer outweigh financial considerations.

Conclusion

Thank you for the opportunity to present this testimony.

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**House Committee Natural Resources
Subcommittee on National Parks, Forests, and Public Lands**

**H.R. 7509, Wild Rogue Conservation and Recreation Enhancement Act
June 23, 2022**

Thank you for the opportunity to testify on H.R. 7509, the Wild Rogue Conservation and Recreation Enhancement Act. H.R. 7509 would establish the Rogue Canyon National Recreation Area encompassing approximately 98,000 acres of public lands managed by the Bureau of Land Management (BLM) and expand the Wild Rogue Wilderness by adding approximately 60,000 acres of BLM-managed lands in western Oregon.

President Biden's Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, recognizes the opportunities offered by America's public lands and outlines a historic and ambitious challenge to conserve at least 30 percent of our lands and waters by 2030.

Conservation can and should improve access for outdoor recreation, help protect the quality of our air and drinking water, increase resilience to the impacts of climate change, protect wildlife habitat, and support our economy, among other benefits. Our nation's awe-inspiring landscapes are an economic engine, attracting visitors from around the globe to America's public lands. According to the Bureau of Economic Analysis, outdoor recreation contributes an estimated \$460 billion to the nation's economy, with mayors and local leaders recognizing parks and open spaces as indispensable infrastructure for livable and prosperous communities. The Department welcomes the sponsor's efforts to support outdoor recreation and wilderness designations to improve conservation and appreciation of our nation's public lands, and we support H.R. 7509.

Management of BLM Lands in Western Oregon

More than 75 percent of Oregon's population resides in its western region, which also boasts some of the most productive forest lands in the world. The forests of western Oregon are critical to sustainable fish and wildlife habitat, recreation, timber, clean water, and many other values that Americans hold dear.

The Oregon and California Revested Lands Sustained Yield Management Act of 1937 (O&C Lands Act) placed 2.4 million checkerboard acres of Oregon and California Railroad and Coos Bay Wagon Road grant lands (the O&C lands) under the jurisdiction of the Department. Under the O&C Lands Act, the Department manages the O&C lands for "the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities." The Act also provides that the 18 O&C counties receive yearly payments

equal to 50 or 75 percent of receipts from timber harvests on O&C lands in these counties. In addition to the O&C lands, the BLM manages approximately 212,000 acres of public domain forests and other acquired lands in western Oregon. These and other BLM-managed lands also provide outstanding recreational opportunities, with over 5 million people visiting each year to enjoy hiking, camping, hunting, and fishing.

The Department manages these O&C lands, public domain forests, and other acquired lands under the 2016 Western Oregon Resource Management Plans (RMPs) and other applicable RMPs (such as the Cascade-Siskiyou National Monument RMP). The 2016 RMPs provide direction for the management of approximately 2.5 million acres of BLM-administered lands and offer opportunities for tourism, recreation, and timber harvest, while maintaining protections for the northern spotted owl, listed fish species, and water resources.

H.R. 7509, Wild Rogue Conservation and Recreation Enhancement Act

Rogue Canyon National Recreation Areas

Section 3 of H.R. 7509 establishes the Rogue Canyon National Recreation Area on 98,000 acres of BLM-administered lands surrounding the banks of the Rogue River and overlapping Wild Rogue Wilderness. The Rogue River is well known for its challenging whitewater, steelhead and salmon fishery, rock-lined banks, and extraordinary wildlife viewing opportunities. The Department supports the establishment of the Rogue Canyon Recreation Area to improve conservation and appreciation of our public lands and waters.

Section 3 also withdraws Federal surface and subsurface lands within the recreation areas, subject to valid existing rights, from entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

The BLM recognizes the importance of locally crafted recreation and conservation areas on public lands and waters and believes they can yield immense economic benefits. The BLM believes the most effective and enduring conservation strategies are those reflecting the priorities, needs, and perspectives of the families and communities that know, live, work, and care for the lands and waters. While we support the value of safeguarding these treasured lands for present and future generations, the BLM notes the recreation designations involve O&C lands within the harvest land base established under the 2016 RMPs. If H.R. 7509 is enacted, BLM would likely amend its RMPs to account for the recreation orientation of the affected lands.

Wild Rogue Wilderness Area Expansion

Section 4 of H.R. 7509 would add approximately 60,000 acres of BLM-managed public lands to the existing 8,000-plus acres of BLM's Wild Rogue Wilderness in southwestern Oregon. These lands serve as habitat for a diversity of plant and animal life for forest-dependent species, including the northern spotted owl, Pacific salmon, steelhead trout, and green sturgeon, and provide important opportunities for fishing, rafting, boat tours, hiking and backpacking, and other forms of outdoor recreation in the forested mountains of southwestern Oregon. The Department supports the proposed expansion of the Wild Rogue Wilderness as it aligns with the Administration's conservation goals.

Wildfire Risk Assessment & Mitigation Plan

H.R. 7509 also directs the Secretary to complete a wildfire assessment of the recreation areas, Wild Rogue Wilderness, and adjacent Federal land. One year after completion of the wildfire assessment, the Department is directed to complete a wildfire mitigation plan addressing vegetation management, public evacuation routes, and outreach. The BLM notes wildfire risk assessment and fire and fuels management are currently addressed in the BLM's land use planning process. Additionally, the BLM works in close collaboration with the Pacific Northwest Wildfire Coordinating Group, an interagency assembly of five wildland fire agencies, two state forestry agencies, and two state fire marshal associations.

By working cooperatively, all partners can administer fire, fuels, and aviation programs in a manner that eliminates duplication, increases program efficiency, and capitalizes on the expertise of each organization's personnel. The BLM supports the sponsor's direction to provide fire prevention services and fire safety information to the community.

Conclusion

Thank you for the opportunity to testify in support of H.R. 7509, which would serve to provide opportunities for recreation while conserving pristine and unique natural areas in western Oregon.